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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,702	11/18/2003	Mark Magda	0237.036	5405

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HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY, NY 12203

EXAMINER
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PRICE, CRAIG JAMES

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/715,702		MAGDA, MARK	
	<b>Examiner</b>		<b>Art Unit</b>	
	Craig Price		3753	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 5 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 7, 2005.

### ***Drawings***

2. The correction to the drawings have been approved and the objection is withdrawn.

### **Claim Rejections - 35 USC § 112**

3. The rejection to claim 18 has been removed as this claim is cancelled.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 4, 6-11, 13 -18 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersson et al. (US 4,129,144).

Regarding claims 1,8 and 15, Andersson et al. disclose a check valve, the check valve comprises of a body (10) configured to permit fluid to flow through the body, and includes a flange (12) extending circumferentially around an inner periphery of the body, the flange having an inner surface defining a valve aperture (smallest inside diameter of 10, within the flange width), and a poppet valve (as seen in Figure 1) moveably mounted within the valve aperture, the poppet valve including a longitudinal axis, a head (30), and a plurality of guide legs (16) extending from the head and through the valve aperture, each of the plurality of guide legs including an outer peripheral surface facing the inner surface of the flange, the outer peripheral surface including a first section (18) and a second section (24), wherein the second section is recessed back from the first section in relation to the inner surface of the flange, as shown in figure 5.

Regarding claims 2 and 9, Andersson et al. show the second section of the outer peripheral surface is spaced at a greater distance along the longitudinal axis away from the head than the first section of the outer peripheral surface (the distance is in length from the head to the second surface and not radially from the longitudinal axis), as seen in Figure 4.

Regarding claims 3 and 10, Andersson et al. show outer edges of the first and second sections of the outer peripheral surfaces are rounded, as seen in Figure 4.

Regarding claims 4 and 11, Andersson et al. depict the second section of the

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outer peripheral surface forms a flow path with the inner surface of the flange to permit debris to pass between the second section and the inner surface of the flange while the valve is in an open position, as shown in Figure 5.

Regarding claims 6 and 13, Andersson et al. show the first section is in close proximity to the inner surface of the flange to aid in guiding the poppet valve in the valve aperture during operation, as seen in Figures 4 - 6.

Regarding claims 7 and 14, Andersson et al. depict the first section includes a diameter formed on an arc of a circle having a diameter slightly less than a diameter of the valve aperture, as shown in Figure 4.

Regarding claim 16, Andersson et al. show the flow path is defined longitudinally along the guide legs at a distance from the head of the poppet valve, as seen in Figure 5.

Regarding claim 17, Andersson et al. show a second section of the outer peripheral surfaces of the guide legs (24) is in close proximity to the inner surface of the flange to aid in guiding the poppet valve during operation, as seen in Figure 1 (Col. 2, Lns. 9-16).

Regarding claim 18, Andersson et al. show the section defining the flow path with the inner surface of the flange is at a smaller radial distance from the longitudinal axis of the poppet valve than the second section (the median diameter of the second section appears to be larger than the inner surface of the flange), as seen in Figure 4.

### ***Response to Arguments***

6. Applicant's arguments, filed 1/25/2006, with respect to the rejection(s) of claim(s) 1-4,6-11,13-18 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Andersson et al.

In regards to your first argument,

"the independent claims require a poppet valve with a head and a plurality of guide legs extending from the head through the valve aperture", Andersson et al. depicts the head and a plurality of guide legs extending from the head through the valve aperture, as shown in Figure 4.

In regards to your next argument, "the claims also require that the outer peripheral surfaces of the guide legs include one section that is recessed back away from, cut away from or at a greater radial distance from the longitudinal axis of the poppet valve in relation to another section", the claim actually is written that the "second section is recessed back from the first section in relation to the inner surface of the flange", only requires the recess to be back from/along the longitudinal axis in relation to the flange at some distance beyond the first section, the claim does not recite that the distance is radially located from the longitudinal axis.

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**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 8AM - 5PM M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CP



April 3, 2006

Eric Keasel  
Primary Examiner  
Art Unit 3754

